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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 8121

KREUTZER et al.

Application No.: 10/804,120

Group Art Unit: 1636

Filed: March 19, 2004

Examiner: James S. Ketter

Title: L-LYSINE-PRODUCING CORYNEBACTERIA AND PROCESS FOR THE  
PREPARATION OF L-LYSINERECEIVED  
CENTRAL FAX CENTER

JAN 30 2006

January 30, 2006

**RESPONSE TO OFFICIAL COMMUNICATION DATED JANUARY 25, 2006**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is in response to the official communication dated January 25, 2006 asserting that the reply of November 9, 2005 was not fully responsive to the non-final official action of August 9, 2005 due to a missing terminal disclaimer. The applicants hereby resubmit their response to the non-final action of August 9, 2005 in its entirety, along with an executed terminal disclaimer with respect to U.S. Patent No. 6,861,246, cited in an obviousness-type double patenting rejection.

The non-final official action dated August 9, 2005 rejected the pending claims under 35 U.S.C. §101 and the judicially created doctrine of obviousness-type double patenting. The applicants respectfully traverse the rejections in view of the following amendment and remarks.

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